

remainderman, or reversioner, that the estimate must be made with reference to the then actual nature of the life; and, that an apportionment of the burthen must be adjusted between the several holders of the estate, so that, if the particular tenant was bound to pay in any degree, he was made to pay in proportion to the benefit he in fact took under the transaction; and that the remainderman, or reversioner, was made to pay with reference to his proportion of the benefit; which estimate and adjustment must be made upon facts, not upon mere speculation. (*i*)

In applying this rule for estimating the value of an estate for life, or in order to make an apportionment between the several owners of a real estate, it appears, that the English courts of justice have, latterly, in almost all cases, sought assistance from the tables formed by mathematicians of the expectation of life, without receiving them, except, perhaps, in the case of the distribution of the assets of a deceased person's estate; (*j*) as in any respect conclusive. (*k*) Because, as a basis for all those tables a certain average rate of mortality being established or assumed, they are then the result of calculations upon mere age, taking all lives of the same age to be of equal value, considering none as bad, that are ordinarily good. But the constitutions of individuals differ essentially; the health of the same individual may have been materially affected by accident or climate; or he may have a latent disease which has in a greater, or less degree, affected his duration of life for many years. All such circumstances must be taken into consideration; and, therefore, no ordinary table of the expectation of life, although it may afford much useful information, can alone be taken as giving a correct general rule for estimating the value of the life of any particular individual. (*l*)

In cases of pensions or annuities for life granted by government; in cases of a life interest in land, not chiefly valuable because of

---

(*i*) *White v. White*, 9 Ves. 554; *Allan v. Backhouse*, 2 Ves. & Bea. 78.—(*j*) *Ex parte Thistlewood*, 19 Ves. 250.—(*k*) *Heathcote v. Paignon*, 2 Bro. C. C. 167; *Griffith v. Spratley*, 1 Cox, 399; *Evans v. Chesshire*, Belt's Supp. to Ves. 306; *Gowland v. De Faria*, 17 Ves. 25; *Ex parte Thistlewood*, 19 Ves. 236; *Ex parte Whitehead*, 1 Meriv. 127; *Davis v. Marlborough*, 2 Swan. 147; *Portmore v. Taylor*, 6 Cond. Chan. Rep. 104; *Newton v. Hunt*, 7 Cond. Chan. Rep. 518; *Wardle v. Carter*, 10 Cond. Chan. Rep. 163; *Ryle v. Brown*, 6 Exch. Rep. 265.—(*l*) *Gwynne v. Heaton*, 1 Bro. C. C. 2; *Heathcote v. Paignon*, 2 Bro. C. C. 167; *Gibson v. Jeyes*, 6 Ves. 274; *Ex parte Thistlewood*, 19 Ves. 236.